

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

30 OCTOBER 2012

- NOTES:**
1. This Meeting makes Recommendations to the Manager Planning & Development. Services
 2. Should any Elected Member wish to discuss the content of any item included as part of the attached agenda, please contact Peter Prendergast, Manager Planning & Development Services. Contact should be established as soon as possible after the publication of the agenda to the City of Melville website. Contact details are as follows: peter.prendergast@melville.wa.gov.au or Tel 9364 0626.
 3. Should an Elected Member propose that an item on this agenda be referred to Council for determination, a request to that effect must be made to the Chief Executive Officer (CEO). This request must be received by the CEO by midday on the Friday following the publication of the Development Advisory Unit (DAU) agenda to the City's web site.
 4. Should any applicant or adjoining property owner object to any proposal included as part of this DAU agenda, then an opportunity exists to request that the application be determined by Council. All such requests are subject to the discretion of the CEO, and must be received by him no later than midday on the Friday following the publication of the DAU agenda to the City's web site.
 5. In the absence of any referral request, a decision on any application included as part of this DAU agenda can take place under delegated authority to the Manager Planning & Development Services, after midday on the Friday after the publication of the agenda to the City's website.

**REPORTS AND RECOMMENDATIONS FROM THE DEVELOPMENT ADVISORY UNIT
MEETING HELD IN, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD,
BOORAGOON, COMMENCING AT 9:00 AM ON TUESDAY, 30 OCTOBER 2012.**

PRESENT

P Prendergast (Presiding Member)
A Templeton
T Capobianco
H Shigeyoshi
J Wardell Johnson
R Bailey
C Taborda
L Mannion

Manager Planning & Development Services
Planning Services Coordinator
Principal Building Surveyor
Senior Planning Officer
Senior Planning Officer
Special Projects Officer
Engineering Technical Officer
Technical Officer

APOLOGIES

IN ATTENDANCE

OBSERVERS

DISCLOSURES OF INTEREST

ELECTED MEMBERS' ATTENTION

Nil

DELEGATED AUTHORITY – PLANNING AND RELATED MATTERS DA-020

The following items are recommendations to the Manager Planning & Development Services for decision.

DISCLOSURE OF FINANCIAL INTERESTS LOCAL GOVERNMENT ACT 1995

Members' interests in matters to be discussed at meetings to be disclosed

S.5.65 (1) A member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by the member must disclose the nature of the interest -

- (a) in a written notice given to the Chief Executive Officer before the meeting; or
- (b) at the meeting immediately before the matter is discussed.

Penalty: \$10,000 or imprisonment for 2 years.

Meeting to be informed of disclosures

S.5.66 If a member has disclosed an interest in a written notice given to the Chief Executive Officer before a meeting then before the meeting -

- (a) the Chief Executive Officer is to cause the notice to be given to the person who is to preside at the meeting; and
- (b) the person who is to preside at the meeting is to bring the notice to the attention of the persons who attend the meeting.

Disclosing members not to participate in meetings

S.5.67 A member who makes a disclosure under Section 5.65 must not -

- (a) preside at the part of the meeting relating to the matter; or
- (b) participate in, or be present during, any discussion or decision making procedure relating to the matter,

unless, and to the extent that, the disclosing member is allowed to do so under Section 5.68 or 5.69.

Penalty: \$10,000 or imprisonment for 2 years.

Please refer to your Handbook for definitions of interests and other detail.

TABLE OF CONTENTS

U12/0424 - (MC) SINGLE STOREY SINGLE DWELLING ON LOT 821 (22A) COOGEE ROAD, MOUNT PLEASANT (REC) (ATTACHMENT).....	1
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U12/0424 - (MC) SINGLE STOREY SINGLE DWELLING ON LOT 821 (22A) COOGEE ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)

Ward : Applecross – Mount Pleasant
 Category : Operational
 Application Number : DA-2012-997
 Property : Lot 821 (22) Coogee Road, Mount Pleasant, WA 6153
 Proposal : Single Storey Single Dwelling
 Applicant : Irene Zorrah Blagaich
 Owner : Mr B Blagaich
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Not Applicable.
 Responsible Officer : Peter Prendergast
 Manager Planning and Development Services

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes & policies.</i>
<input type="checkbox"/>	Review	<i>When Council review decisions made by Officers.</i>
<input checked="" type="checkbox"/>	Quasi-Judicial	<i>When Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>

U12/0424 - (MC) SINGLE STOREY SINGLE DWELLING ON LOT 821 (22A) COOGEE ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- Planning approval is sought to construct a single storey dwelling at 22A Coogee Road, Mount Pleasant.
- The proposal satisfies all of the relevant provisions contained within Community Planning Scheme No. 5 (CPS5), the Residential Design Codes (R-Codes) and Council policy with the exception of the Acceptable Development provisions relating to buildings on the boundary and setbacks.
- The application has been advertised to the owners of adjoining properties . One submission was received objecting to the rear boundary wall for solar access reasons.
- The application is considered to satisfy the Performance Criteria as the proposed boundary wall and reduced setbacks will not result in an adverse impact upon the amenity of the adjoining property, and is considered to be acceptable when judged against the relevant performance criteria of the R Codes..
- The proposed development is recommended for conditional approval.



U12/0424 - (MC) SINGLE STOREY SINGLE DWELLING ON LOT 821 (22A) COOGEE ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)

BACKGROUND

Scheme Provisions

MRS Zoning	:	Urban
CPS 5 Zoning	:	Living Area
R- Code	:	R20
Use Class	:	Residential
Use Permissibility	:	P- Permitted

Site Details

Lot Area	:	477 sqm
Retention of Existing Vegetation	:	Not Applicable
Street Tree(s)	:	Retained
Street Furniture (drainage pits etc)	:	Not Applicable
Site Details	:	Refer to photo above

U12_0424_October_2012 A copy of the plans forms part of the attachments to the Agenda which were distributed to members of council on Friday 2 November 2012.

DETAIL

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation	Plan Notation
Boundary Walls	<i>Height</i> 3m max height 2.7m average height <i>Length</i> 9m	<i>Height</i> 2.74 – 2.83m maximum and 2.77m average <i>Length</i> Cumulative length of three walls – 19.5m	Does not comply	MPDS	

U12/0424 - (MC) SINGLE STOREY SINGLE DWELLING ON LOT 821 (22A) COOGEE ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)

Setbacks

Wall	Required	Proposed	Comments	Delegation to approve Variation	Plan Notation
Study/Entry Hall	1.5m	1m	Does not comply	MPDS	
Bed 2/Bath/Bed 3	1.5m	1m	Does not comply	MPDS	
Family/Alfresco	1.5m	1m	Does not comply	MPDS	

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required: Yes
 Neighbour's Comment Supplied: Yes
 Reason: Variation to Acceptable Development provisions of the R-Codes
 Support/Object: Object

Submission Received From	Summary of Submissions	Support / Object	Officer's Comment	Action (uphold / Not Uphold)
1	The rear parapet wall will block sunlight to their kitchen window.	Object	The boundary wall is located along the eastern boundary and consequently will have an impact upon access to late afternoon sun for the adjoining property. However as the kitchen window is sited approximately 2.5m from the common boundary, this impact will not be significant. It is noted that the application satisfies the R-Codes in relation to overshadowing.	Not Uphold

U12/0424 - (MC) SINGLE STOREY SINGLE DWELLING ON LOT 821 (22A) COOGEE ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)**CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

No consultation with other agencies / consultants is required.

STATUTORY AND LEGAL IMPLICATIONS

Should the City of Melville refuse the application for planning approval, the applicant will have the right to have the decision reviewed in accordance with part 14 of the *Planning and Development Act 2005*.

FINANCIAL IMPLICATIONS

There are no financial implications applicable.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no anticipated strategic, risk or environmental management implications associated with this application.

POLICY IMPLICATIONS

There are no policy implications associated with this proposal.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

This application is recommended to be approved under delegation through the Development Advisory Unit (DAU) process. Should Elected Members or interested third parties have an alternative view; the DAU 'call up' procedures provide an opportunity to request that the matter be called up for the consideration of the Council.

COMMENTS

Planning approval is sought for the construction of a single storey dwelling at 22A Coogee Road, Mount Pleasant, a narrow lot with a width of 10m.

The proposal includes a number of minor variations to the side setback requirements of the R Codes. These are detailed in the table above. No objections are raised in respect of these setback variations, and on that basis, and as no adverse impact will result from them, the setback variations are supported.

U12/0424 - (MC) SINGLE STOREY SINGLE DWELLING ON LOT 821 (22A) COOGEE ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)

The key issue for consideration in this case is in respect of the provision and number of boundary walls that are proposed by the development, one of which is the subject of objection from the owner of an adjoining residence..

Boundary Walls

The subject property is zoned R20. Under the Acceptable Development criteria, properties zoned R20 are permitted to have boundary walls up to 9m in length, with a maximum and average height of 3m and 2.7m respectively.

The dwelling is designed with three separate boundary walls along the eastern boundary associated with the garage, master suite and kitchen/dining room. The adjoining property to the east contains two dwellings in a battleaxe configuration. Two of the proposed boundary walls will abut the front dwelling (20 Coogee Road) and the other will adjoin the rear dwelling at 20A Coogee Road.

The proposed boundary walls exceed the average height of 2.7m specified under the Acceptable Development criteria by 0.07m. The scale of this variation is considered to be minor.

The three proposed boundary walls cumulatively equate to a length of 19.5m, whereas the Acceptable Development criteria specify a maximum length of 9m.

Performance Criteria 6.3.2 of the R-Codes acknowledge that buildings can be built up to boundaries, in order to make effective use of space, enhance privacy, or otherwise enhance the amenity of the development whilst not having any significant adverse effect on the amenity of the adjoining property and ensuring that direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted. The proposed development is considered to satisfy this criteria for the following reasons:

- The proposed boundary walls make effective use of the available space on the subject site, particularly given the narrow configuration of the lot.
- The proposed boundary walls will have no impact upon the privacy of the adjoining dwellings as no openings are located within the walls.
- No objection has been raised in relation to the boundary walls associated with the garage and master suite. Notwithstanding, the proposed garage boundary wall will primarily abut the existing garage boundary wall on 20 Coogee Road. The master suite boundary wall will not result in any significant impacts with regard to amenity or solar access to the adjoining property, due to the orientation and the fact that the boundary wall will be located adjacent to a service courtyard.
- The rear boundary wall will have an impact upon access to late afternoon sun for the adjoining property, however as the kitchen window is setback approximately 2.5m from the common boundary, this impact will not be significant. Furthermore, the application satisfies the R-Codes in relation to overshadowing. The amenity of the adjoining property will also be mitigated through the existing planting located on the adjoining site and the low height of the wall.

U12/0424 - (MC) SINGLE STOREY SINGLE DWELLING ON LOT 821 (22A) COOGEE ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)Amenity

The proposed development has been assessed in accordance with the amenity provisions outlined in Clause 7.8 of CPS5 and Council Policy CP-067: Amenity. It is concluded that the details of the proposal are acceptable in this context, notwithstanding the variations sought.

CONCLUSION

It is considered that the development, subject to the imposition of appropriate conditions, satisfies the provisions and requirements of CPS5, the R-Codes and Council policies. As such, it is recommended that conditional approval be granted.

OFFICER RECOMMENDATION

- A) That the application for a single storey single dwelling at lot 821 (22A) Coogee Road, Mount Pleasant be approved subject to the following special and standard conditions:**

SPECIAL CONDITIONS:

- 1. All stormwater generated on site is to be retained on site.**

STANDARD CONDITIONS:

- 2. The external face of the parapet walls to be finished to the satisfaction of the adjoining neighbour or, in the event of a dispute to be finished to the satisfaction of the Manager Planning and Development Services.**
 - 3. Roofing materials being of a non-reflective material (Zinc or white colour metal roofing may only be permitted through special planning consent).**
- B) That the residents who made a submission on the proposal be notified in writing of A) above.**